

REMARKS

Applicants have thoroughly considered the March 6, 2007 Final Office action. This Amendment C amends 1, 3, 5, 9, 12, 14, and 18. Applicants thus respectfully submit that claims 1-18 as presented are in condition for allowance and respectfully request favorable reconsideration of this application. The specification is amended to correct informalities and minor typographical errors. No new matter was added.

Claim Objection

Claims 9 and 18 have been amended to correct the informalities by spelling out all acronyms recited in the claim, such as Digital Rights Management (DRM). As such, the claim objection of claims 9 and 18 should be withdrawn.

Rejection under 35 U.S.C. §112

Claims 3-7, 9, 12-15, and 18 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants above the amendments to claims 9 and 18 satisfactorily overcome the rejection thereto under 35 U.S.C. §112. Applicants have also amended claims 3 and 12 to properly establish the antecedent basis for the limitation “in the prioritized plurality of media file sources identified as including metadata defining the property” by making claims 3 and 12 to depend from claims 2 and 11, respectively. Therefore, Applicants submit that the rejection of claims 3-7, 9, 12-15, and 18 under 35 U.S.C. §112 should be withdrawn.

Rejection under 35 U.S.C. §101

Claims 10-18 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants submit the subject matter of claims 10 to 18 is directed to statutory subject matter and produces a useful, concrete, and tangible result. For example, claim 10 is amended to recite “retrieving instructions for retrieving the property as defined by metadata of the identified source of the media file, wherein the retrieved property is provided to the media player for display to a user”. Such result is a useful, concrete, and tangible result in which the media player displays the retrieved property (e.g., album title, sound track title, or the like) to the user, who may consequently perform useful operations, such as organizing, grouping, customizing, or editing such retrieved property for personal use. See also Application, paragraphs 23 and 37-38.

As such, claims 10-18 as amended recite subject matter that produces useful, concrete, and tangible result. Therefore, the rejection of claims 10-18 under 35 U.S.C. §101 should be withdrawn.

Rejection under 35 U.S.C. §102

Claims 1, 3, 4, 10, 12, 13, and 16 stand rejected under 35 U.S.C. §102(a) as being anticipated by Applicant's specification, paragraph [0002] to [0005] (hereinafter "background"). Applicants respectfully disagree with the Office's assertion and submit that the background is not Applicants' "admitted prior art." The background statement is being misread and was merely an indication of capability and not the state of the prior art. Thus, the statement has been deleted.

Claim 1 is amended to recite, in part, "prioritizing the plurality of media file sources for retrieving the property of the media file **based on business rules, said business rules indicating at least compatibility and importance of the media file sources**; querying each of the prioritized plurality of media file sources in an order of sequence according to their priority to identify a source of the media file, said identified source of the media file including metadata associated therewith;; and displaying the property as defined by the metadata of the identified source of the media file as the media file being played via the media player." Embodiments of the invention advantageously allow metadata sources to come and go while not limiting how the metadata is obtained for and provided to the user. See also Application, paragraph 37.

The background section, in particular paragraphs 0004 and 0005, discloses or suggests no more than the deficiencies of existing practices. As correctly identified by the Office, "some existing systems employ a last writer wins approach when retrieving metadata to display for a media file." Such disclosure fails to discuss or suggest that at least the amended element of "prioritizing the plurality of media file sources **based on business rules, said business rules indicating at least compatibility and importance of the media file sources** by which the media files are prioritized." In fact, as discussed above in paragraphs 0004 and 0005, Applicants argue that those paragraphs precisely point to the problems with the existing systems and the invention as claimed present a solution to the problem by prioritizing the plurality of media file sources based on business rules and the business rules indicate or dictate compatibility and importance of the media file sources. Instead of the "last-writer-win" rule, embodiments of the invention employ a flexible solution so that the most preferred and available source, according to the business rules, prevails rather than the most recent source prevails. In fact, the prior systems teach away from the

embodiments of the invention because, regardless of the preferential priority in terms of importance the prior systems would still apply and display the “last writer” source, even though such source may be unreliable, incompatible, unavailable, or the like. See also Application, paragraph 39.

As indicated on page 14 of the Office action, the Office asserts that a “last writer win approach is indeed a prioritized approach in which one source is selected from the set of media file sources based on its priority, (i.e., it was the latest version).” It is exactly this priority basis of timing that teaches away from business rules indicating a preference of compatibility, or importance, of the source, because a user’s local medial file library source may not enforce business rules or may have the most recent version of an album name but it may not be the accurate or reliable source. By automatically resorting to the “latest version,” prior systems restrict and prohibit the querying of media file sources based on business rules.

As such, Applicants submit that the background of the Application cannot anticipate embodiments of the invention as claimed in claim 1. Therefore, Applicants submit that the claim 1 is patentable over the cited art. Claims 3 and 4 depend from claim 1 and are also patentable over the cited art. Therefore, the rejection of claims 1, 3, and 4 under 35 U.S.C. §102(e) should be withdrawn.

Similarly, claim 10 is amended to recite a computer-readable storage medium having computer-executable instructions for “**determining instructions for determining a priority of the plurality of media file sources for retrieving the property of the media file based on business rules, said business rules indicating at least compatibility and importance of the media file sources by which the media files are prioritized...**” For at least the reasons above, Applicants submit that the background section of the Application cannot anticipate claim 10 because prior systems rely on a preference of timing of data and not based on business rules (i.e., the last writer wins). Therefore, claim 10, as well as its dependent claims 12-13 and 16, are patentable. Hence, the rejection of claims 10, 12-13, and 16 under 35 U.S.C. §102(e) should be withdrawn.

Claim 1-4 and 10-13 stand rejected under 35 U.S.C. §102(e) as being anticipated by Woodward et al (US Pat. Pub. No. 2003/0036948). Applicants submit that Woodward fails to disclose each and every element of claim 1-4 and 10-13.

In response to the Office’s argument on page 6 of the Office action and the Office’s reply to Applicants arguments in Amendment B on page 15 of the Office action, Applicants wish to point

out that Woodward, and the paragraphs 22 and 23 relied by the Office, merely describe operations for searching or looking up a “particular song **within a database**” 120 (Woodward, paragraph 0022). In other words, such searching is unrelated to searching “a plurality of media file **sources**.” Woodward discloses that the database 120 is an audio recordings description database. Even when the search process could not locate an exact match, the subsequent lookup process continues to search for a match **within the same database**. (Woodward, paragraph 0023). Nowhere does Woodward disclose that when no match is found, a **different** source will be searched. In addition, Woodward fails to disclose or suggest that querying of the media file sources is based on **business rules by which the media files are prioritized**. Therefore, Applicants assert that Woodward cannot anticipate claims 1-4 and 10-13. Hence, the rejection of claims 1-4 and 10-13 under 35 U.S.C. §102(e) should be withdrawn.

Rejection under 35 U.S.C. §103

Claims 5-7 and 14-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Woodward in view of Fowler et al (US Pat. No. 6,493,436). Applicants submit that the combined references fail to disclose each and every element of claims 5-7 and 14-15.

Fowler discloses a system for correcting failures of music on transfer. In particular, Fowler suggests prioritizing the available audio sources with the more desirable sources having a higher priority. Consequently, Fowler’s system discloses searching through a prioritized list of audio sources until a source has the desired audio file to transmit to the user. If no more audio sources are available after searching, “all of the audio sources are monitored again from the beginning.” (Fowler, col. 2, lines 29-30). Applicants submit that the combined references fail to disclose each and every element of claims 5-7 and 14-15 because the combined references teach away from claimed invention by searching for audio file sources and not “a source for retrieving a property of a media file.” In other words, based on lines 13-34 of col. 2 in Fowler, if no audio sources are available, the Fowler system might not locate such audio file on a second attempt. Hence, no audio file is transmitted to the user. On the other, embodiments of the invention, while making a source being a highest priority and one with a lowest priority, Fowler continues to fail to cure the deficiency of Woodward in that Fowler fails to disclose or suggest that the least important source provides **a basic metadata or a default metadata**. See also Application, paragraph 0031. The

combined references of Woodward and Fowler cannot disclose or suggest each and every element of claims 5-7 and 14-15.

Because the Office fails to establish the prima facie elements of an obviousness rejection under 35 U.S.C. §103, Applicants submit that claims 5-7 and 14-15 are patentable over the cited art and that the rejection of claims 5-7 and 14-15 under 35 U.S.C. §103(a) should be withdrawn.

Claims 8 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the background in view of Cato et al. (US Pat. Pub. No. 2003/0120928). For at least the reasons for claims 1 and 10 above, Applicants submit that the combined references of the background and Cato fails to disclose or suggest each and every element of claims 8 and 17. Therefore, Applicants submit that the Office fails to establish the prima facie elements of an obviousness rejection under 35 U.S.C. §103. Hence, the rejection of claims 8 and 17 under 35 U.S.C. §103(a) should be withdrawn.

Claims 9 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the background in view of Ramalay et al (US Pat. Pub. No. 2002/0138619), further in view of Eyal et al (US Pat. Pub. No. 2003/0033420), further in view of Diamond et al (US Pat. Pub. No. 2002/0099694) and further in view of Ijdens et al. (US Pat. Pub. No. 2006/0090030). For at least the reasons above, Applicants submit that the combined references of the background, Ramalay, Eyal, Diamond, and Ijdens fail to disclose each and every element of claims 9 and 18. As such, the rejection of claims 9 and 18 under 35 U.S.C. §103(a) should be withdrawn.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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